

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRITTNEY LEE ZARAGOZA,

Defendant.

No. 4:15-CR-6049-EFS-10

ORDER DENYING THE UNITED  
STATES' MOTION FOR  
DETENTION AND SETTING  
CONDITIONS OF RELEASE

**ECF No. 269**

On Tuesday, January 10, 2017, the Court conducted a bail hearing in accordance with 18 U.S.C. § 3142(f). Defendant appeared, in custody, with her attorney Victor Lara. Assistant United States Attorney Stephanie Van Marter represented the United States.

At the hearing, the United States concurred with the Pretrial Services Report's recommendation of release on the conditions proposed. The United States' Motion for Detention (**ECF No. 269**) is **DENIED**.

The Court considered the Pretrial Services Report (ECF No. 274) and the counsels' arguments. To decide whether conditions of release would reasonably

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1 assure the Defendant's appearance in court and the safety of the community, the  
2 Court considered and evaluated the four factors outlined in 18 U.S.C. § 3142(g):

- 3 1. The nature and circumstances of the offense;
- 4 2. The weight of the evidence against the Defendant;
- 5 3. The history and characteristics of the Defendant; and
- 6 4. The nature and seriousness of the danger the Defendant would present to the  
7 community if released.

8 **IT IS ORDERED:**

9 1. The United States' Motion for Detention (**ECF No. 269**) is **DENIED**.

10 2. If a party desires this Court to reconsider conditions of release  
11 because of material and newly discovered circumstances under 18 U.S.C. §  
12 3142(f), that party shall file a motion with the court, served upon the United States  
13 Attorney, stating what circumstances are new, how they are established, and the  
14 requested change in conditions of release.

15 3. If a party seeks review of this Order by another court pursuant to 18  
16 U.S.C. § 3145(b), counsel shall adhere to the Detention Order Review Protocol  
17 found in L.Cr.R. 46(k).

18 4. The Defendant is bound over to Judge Edward F. Shea for further  
19 proceedings.

20 5. Defendant shall complete and sign A.O. Form 199C and, upon

1 release, abide by the following conditions at all times:

2 **CONDITIONS OF RELEASE**

- 3 (1) Defendant shall not commit any offense in violation of federal, state or local  
4 law. Defendant shall advise the supervising Pretrial Services Officer and  
5 defense counsel within one business day of any charge, arrest, or contact with  
6 law enforcement. Defendant shall not work for the United States government  
7 or any federal or state law enforcement agency, unless Defendant first notifies  
8 the supervising Pretrial Services Officer in the above captioned matter.
- 9 (2) Defendant shall immediately advise the Court, defense counsel and the U.S.  
10 Attorney in writing before any change in address and telephone number.
- 11 (3) Defendant shall appear at all proceedings as required and shall surrender for  
12 service of any sentence imposed as directed.
- 13 (4) Defendant shall sign and complete A.O. Form 199C before being released and  
14 shall reside at the address furnished.
- 15 (5) Defendant shall not possess a firearm, destructive device or other dangerous  
16 weapon.
- 17 (6) Defendant shall report to the United States Probation Office before or  
18 immediately after release and shall report as often as they direct, at such times  
19 and in such manner as they direct.
- 20 (7) Defendant shall contact defense counsel at least once a week.
- (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful  
for any person who is under indictment for a crime punishable by  
imprisonment for a term exceeding one year, to possess, ship or transport in  
interstate or foreign commerce any firearm or ammunition or receive any  
firearm or ammunition which has been shipped or transported in interstate or  
foreign commerce.
- (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug  
or other controlled substances defined in 21 U.S.C. § 802, unless prescribed  
by a licensed medical practitioner. Defendant may not possess or use  
marijuana, regardless of whether Defendant has been prescribed a medical

1 marijuana card.

2 (10) Defendant shall surrender any passport to Pretrial Services and shall not apply  
3 for a new passport.

4 **SPECIAL CONDITIONS**

5 (1) Submit to a substance abuse evaluation and undergo any recommended  
6 substance abuse treatment as directed by the United States Probation/Pretrial  
7 Services Office.

8 (2) Abstain totally from the use of alcohol.

9 (3) Submit to random urinalysis testing as directed by the United States  
10 Probation/Pretrial Services Office.

11 (4) Refrain from obstructing or attempting to obstruct or tamper, in any fashion,  
12 with the efficiency and accuracy of any prohibited substance testing which is  
13 required as a condition of release.

14 (5) Submit to a mental health evaluation and undergo any recommended mental  
15 health treatment as directed by the United States Probation/Pretrial Services  
16 Office.

17 (6) No contact with co-defendants or potential witnesses.

18 (7) Remain in the Eastern District of Washington unless given permission by the  
19 United States Probation/Pretrial Services Office to travel.

20 DATED January 10, 2017.

*s/Mary K. Dimke*

MARY K. DIMKE

UNITED STATES MAGISTRATE JUDGE